

HERNANDEZ & SCHAPIRO, INC.

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ATTORNEYS AT LAW

A Professional Law Corporation

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July 6, 2012

Mr. Jeff S. Jordan, Esq.
Supervisory Attorney
Complaints Examination & Legal Administration
Federal Elections Commission
999 E Street, NW
Washington, DC 20463VIA FACSIMILE
(202) 219-3923**RE: MUR # 6577 – California 8th Congressional District Candidate Angela Valles, Rick Roelle, in his official capacity as Treasurer, and the Committee to Elect Angela Valles to California 8th Congressional District**

Dear Mr. Jordan,

The Law Offices of Hernandez & Schapiro, Inc., California 8th Congressional District Candidate Angela Valles, Rick Roelle, in his official capacity as Treasurer, and the Committee to Elect Angela Valles to California 8th Congressional District ("Valles Campaign") are in receipt of Irmalinda Tapia's complaint against Angela Valles and Rick Roelle, dated May 22, 2012.

The Valles Campaign paid El Dorado Broadcaster LLC ("Radio Station") for the political radio advertisements. The Valles Campaign paid the Radio Station for 122 radio spots for the month of May. The cost of running the twelve (12), sixty (60) second, advertisements that are the subject of the complaint was \$250.75, see attached schedule. The Valles Campaign recognizes that the advertisements fall under 11 C.F.R. 100.26 and therefore are subject to the requirements of 11 C.F.R. § 110.11 (c)(3)(i) as a radio transmission. Ms. Valles ran two advertisements with El Dorado Broadcaster LLC. One advertisement ran with full, complete and proper disclaimers. The second advertisement, the one subject to this complaint, ran without the "Stand By Your Ad Provision" twelve (12) times.

On May 17th, 2012, Ms. Valles noticed that the advertisements that are the subject of this complaint did not have the proper disclaimer and immediately notified the Radio Station. The Radio Station corrected the advertisements the very next day. Although Ms. Valles inadvertently omitted stating Angela Valles approved the message, the advertisements all started by her clearly identifying herself as Angela Valles and ended with her properly disclaiming the advertisement was paid by the Committee to Elect Angela Valles.

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The Valles Campaign had radio transmissions with El Dorado Broadcaster LLC that aired before and after these twelve advertisements that fully complied with the "Stand By Your Ad Provision." Additionally, there were other advertisements that aired the same days that had complied with the requirements of the "Stand By Your Ad Provision" at both the El Dorado Radio Station and at other radio broadcasting stations.

Although Ms. Valles takes responsibility for inadvertently omitting the proper disclaimer, all of the other radio broadcasting stations that ran advertisements for the Valles Campaign ran her advertisements ensuring that the proper disclaimers were present in the advertisements.

After recognizing the omission, Ms. Valles immediately checked all of her advertisements to confirm all were in compliance with Commission regulations. Afterwards, Ms. Valles implemented enhanced compliance measures in order to ensure that all future public communications contain the disclaimers required by Commission regulations. This inadvertent omission was noticed and corrected before the receipt of this complaint. The Valles Campaign has since complied with all disclaimer regulations.

Given the inadvertent and technical nature of the disclaimer omission in this matter, as well as the very low amount of money spent on the advertisements, \$250.75, the Valles Campaign believes it is appropriate for the Commission to take no further action and dismiss the complaint based upon prosecutorial discretion pursuant to *Heakler v. Chaney*, 470 U.S. 821 (1985).

Sincerely,

HERNANDEZ & SCHAPIRO, INC.
Attorneys at Law

By 
David Hernandez, Jr.

DHJ/ar
cc: Angela Valles; Rick Roelle

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